

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

XIAMAR VAZQUEZ,	:	Civil No. 1:19-CV-0217
	:	
Plaintiff,	:	Judge Sylvia H. Rambo
	:	
v.	:	
	:	
DAUPHIN COUNTY PRISON, et al.,	:	
	:	
Defendants.	:	

O R D E R

AND NOW, this 24th day of **JUNE 2019**, in accordance with the accompanying Memorandum issued this date, it is **ORDERED** that:

1. Mr. Vazquez's applications for leave to proceed *in forma pauperis* (Docs. [2](#) and [7](#)) are **GRANTED**.
2. Plaintiff must pay the full \$350.00 filing fee, in installments, regardless of the outcome of this litigation.
3. Pursuant to [28 U.S.C. § 1915\(b\)\(1\)](#) and [\(2\)](#), the Superintendent/Warden, or other appropriate official at Plaintiff's place of confinement is directed to deduct an initial partial filing fee of 20% of the greater of:
 - (A) the average monthly deposits in the inmate's prison account for the past six months, or
 - (B) the average monthly balance in the inmate's prison account for the past six months.

The initial partial filing fee shall be forwarded to the Clerk of the United States District Court for the Middle District of Pennsylvania, P.O. Box 1148, Scranton, Pennsylvania, 18501-1148, to be credited to the above-captioned docket number. In each succeeding month, when the amount in the Plaintiff's inmate prison account exceeds \$10.00, the Superintendent/Warden, or other appropriate official, shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Plaintiff's prison account until the \$350.00 fee is paid. Each payment shall reference the above-captioned docket number.

4. The Clerk of Court shall send a copy of this Order to the Superintendent/Warden of the institution wherein Plaintiff is presently confined.
5. Mr. Vazquez's Complaint (Doc. 1) is dismissed pursuant to [28 U.S.C. § 1915\(e\)\(2\)\(B\)](#).
6. All claims filed pursuant to [42 U.S.C. § 1983](#) against the Dauphin County Prison and Dauphin County Prison Treatment are dismissed with prejudice.
7. Within twenty-one (21) days from the date of this Order, Mr. Vazquez shall file an amended complaint.
8. The amended complaint shall contain the same case number presently assigned to this action, and shall be direct, concise, and shall standalone without any reference to any document filed in this matter. *See* [Fed. R. Civ. P. 8\(d\)](#).
9. Plaintiff may not include new claims unrelated to his request for separation from Demetrius Aquino and Brandon Duffy, the December 28, 2018-assaults or staff placing his life in danger by labeling him a snitch. *See* [Fed. R. Civ. P. 20](#). Any new or unrelated claims should be filed in a new action.

10. Should Plaintiff fail to file a timely amended complaint, the Clerk of Court shall be directed to close the case pursuant to [28 U.S.C. § 1915\(e\)\(2\)\(B\)](#).
11. The Clerk of Court shall forward to Plaintiff two (2) copies of this Court's prisoner civil-rights complaint form which Mr. Vazquez shall use in preparing his amended complaint.

s/Sylvia H. Rambo
SYLVIA H. RAMBO
United States District Judge